

# IAWA CIVIL RIGHTS COMMISSION COMPLAINT FORM

Complaint of Discrimination under Iowa Code Chapter 216, "Iowa Civil Rights Act of 1965"

*NOTE: A copy of this complaint will be sent to the Organization or person you are filing against.*

(AGENCY USE ONLY)	
ICRC CP# _____	Iowa Civil Rights Commission
Local Commission# _____	400 East 14 <sup>th</sup> Street
EEOC# _____	Des Moines, IA 50319-0201
515-281-4121 / 800-457-4416 / Fax: 515-242-5840 / <a href="http://www.state.ia.us/government/crc">http://www.state.ia.us/government/crc</a>	

(TYPE OR PRINT)

1. What is your legal name? [REDACTED]

2. What is your mailing address? [REDACTED]

City: Des Moines State: IA Zip Code: 50315

3. Telephone #: [REDACTED]

4. Your date of birth? [REDACTED] Your sex/gender? Male

5. Please check the AREA in which the discrimination occurred.

Employment

Education

Public Accommodation

Credit

Housing

6. Please check the ACTION that the Organization took against you. (Check all that apply)

- Demotion
- Denied Accommodation/Modification
- Denied Benefits
- Denied Financial Services/Credit
- Denied Service
- Disciplined/Suspended
- Eviction
- Failure to Hire
- Failure to Promote
- Failure to Rent

- Failure to Train
- Forced to Quit/Retire
- Harassment
- Laid-Off/ Failure to Recall
- Reduced Hours
- Reduced Pay
- Sexual Harassment
- Terminated
- Undesirable Assignment/Transfer
- Unequal Pay

X Other: Pattern & Practice and Disparate Impact Discrimination

7. Do you believe you were discriminated against because of your Race? No

If yes, what is your Race?

8. Do you believe you were discriminated against because of your National Origin? No

If yes, what is your National Origin? \_\_\_\_\_

9. Do you believe you were discriminated against because of your sex? Yes \_\_\_\_\_

10. Do you believe you were discriminated against because of your sexual orientation?  
No \_\_\_\_\_ If yes, what is your sexual orientation? \_\_\_\_\_

11. Do you believe you were discriminated against because of your gender identity? No \_\_\_\_\_

12. Do you believe you were discriminated against because of a disability, real or perceived?  
Yes \_\_\_\_\_ If yes, what is your disability? Perceived \_\_\_\_\_

13. Do you believe you were discriminated against because of your religion or creed? No \_\_\_\_\_

What is your religion or creed? \_\_\_\_\_

14. If your complaint involves employment or credit, do you believe you were discriminated against because of your age? Yes \_\_\_\_\_

15. If your complaint involves housing or credit, do you believe you were discriminated against based on your familial status? N/A \_\_\_\_\_ If yes, how many children live with you? \_\_\_\_\_

16. If your complaint involves credit, do you believe you were discriminated against based on your marital status? N/A \_\_\_\_\_ If yes, what is your status? \_\_\_\_\_

17. If you have previously complained to anyone within the organization or the ICRC or reported discrimination or participated as a witness, do you believe you have suffered an adverse action or been treated differently since you complained about discrimination? N/A \_\_\_\_\_

If yes, how were you retaliated against and by whom? \_\_\_\_\_

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18. What is the Full Legal Name of the Organization that discriminated against you?  
[This Organization will be charged with discrimination and given a copy of your complaint.]

Wells Fargo Home Mortgage \_\_\_\_\_

City: Des Moines \_\_\_\_\_ County: Polk \_\_\_\_\_ State: IA \_\_\_\_\_

Zip Code: 50266 Telephone #: ( 877 ) 937 - 9357

19. If the organization listed in #18 has a Parent Organization or Corporate Office list it here.  
[This Organization will also be charged with discrimination and given a copy of your complaint.]

Wells Fargo

City: San Francisco

State: CA

Zip Code: 94104

Telephone #: (866) 878

- 5865

20. Provide the address of the location where the discrimination occurred.

Address: 6910 Mills Civic Parkway, West Des Moines, IA 50266

22. If Employment is the Area, give approximate number of ALL employees (full-time & part-time) at ALL employer locations nationwide (REQUIRED):

4-14       15-19       20-100       101-200       201-500       500+

23. Have you filed this complaint with any other Federal, State, or local anti-discrimination agency?  Yes       No

If yes, what agency? \_\_\_\_\_ When? \_\_\_\_\_

24. If you are claiming an individual discriminated against or harassed you, identify the individual(s). [The individual[s] will be charged with discrimination and will be given a copy of your complaint.]

Name: Katie Johnson/ Linda Audorff Tami Burnham Title: Employee Relations Consultants

Work or Home Address: 1700 Lincoln Street - Denver, Co 80274/ Phoenix Arizona

Name: Paula Sullivan Title: Customer Service Supervisor

Work or Home Address: 6910 Mills Civic Parkway, West Des Moines, IA 50266

If more than two, list those individuals on a separate document and provide.

25. What was the date of the MOST RECENT discriminatory incident? (Month Day, Year)

July 12, 2012

26. If Employment is the Area, what is your hire date or application date? April 2005

Are you still employed by the Organization listed in #18?  Yes       No

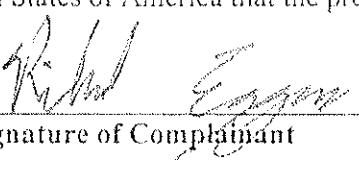
If no, when did your employment end? July 12, 2012 (Month Day, Year)

If no, how did your employment end?  Terminated     Forced to Quit     Quit

**27. BRIEF SUMMARY OF ALLEGATIONS.** Please describe what happened to you. How were you discriminated/harassed/retaliated against. Please be sure to address each action you identified. Insure that your summary reflects the basis you previously identified. *Please read the instruction before writing your brief summary if you have questions.*

**PLEASE SEE ATTACHED INFORMATION**

I certify under penalty of perjury and pursuant to the laws of the State of Iowa and the laws of the United States of America that the preceding charge is true and correct.

x   
\_\_\_\_\_  
Signature of Complainant 115/12  
Date

### Richard Eggers' Civil Rights Complaint

Wells Fargo fired me on July 12, 2012 because of a discriminatory background check policy. I am a 68-year-old male who began working for Wells Fargo in April of 2005. During the hiring process, Wells Fargo ran a background check on me and determined that I was suitable for employment as a Customer Service Representative. During the following seven years of my employment with Wells Fargo, I performed my job diligently, received good performance reviews, and received no disciplinary actions.

In February of 2012, I received notice of Wells Fargo's intent to implement its discriminatory background check policy. My department received notification that Wells Fargo would be conducting criminal background checks through a company named First Advantage Background Services. All employees were required to submit to a background check – even though most employees already completed a satisfactory background check upon hire.

My criminal background check revealed that in 1963, I was convicted of a petty offense. This conviction occurred almost 50 years ago. Wells Fargo did not ask me to disclose convictions dating back this far during my pre-hire background check because convictions similar to mine that occurred years and years ago have nothing to do with an applicant's ability to be a successful Wells Fargo employee in the present.

Wells Fargo's criminal background check policy is discriminatory because African Americans, Hispanics, older workers, and other protected classes of individuals are more likely to be convicted of certain types of crimes. The length of time between my past mistake and Wells Fargo's decision to fire me proves that my prior conviction is not job-related. Thus, Wells Fargo's criminal background check policy has a disparate impact on protected classes. The policy also constitutes pattern and practice discrimination because Wells Fargo's decision to fire employees like me was made with the knowledge that it would have a greater effect on minorities, older workers, and employees with perceived disabilities.

I bring this claim against Wells Fargo and First Advantage Background Services because they implemented and conducted a discriminatory background check policy that resulted in the loss of my career. Katie Johnson, Linda Audorff, Tami Burnham, and Paula Sullivan are the specific Wells Fargo employees who enforced the discriminatory background check policy I seek to challenge. Other unknown individuals are also responsible. Additionally, I bring this claim against the FDIC – the entity charged with administering the law under which these background checks have been conducted. The law itself unconstitutionally discriminates against protected classes of individuals.

This complaint is intended to place Wells Fargo, First Advantage, and the FDIC on notice of class-wide intentional and unintentional forms of systemic discrimination affecting protected classes of applicants and employees who are adversely affected by the above-mentioned background check policy. This charge is brought on behalf of myself and similarly-situated protected-classes of applicants and employees.